

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
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VIA ECF

July 19, 2024

The Honorable George B. Daniels, U.S. District Judge
United States District Court for the S.D.N.Y.
Daniel P. Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Daniels:

The Plaintiffs Executive Committees and *Ashton* Plaintiffs (collectively "Plaintiffs") respond to Saudi Arabia's July 19, 2024 letter, ECF No. 10127.

Saudi Arabia's complaints about a meet and confer overlook that at the July 17, 2024 conference this Court invited the DOJ/FBI and Plaintiffs to make a proposal to resolve the issues of public access to FBI documents. Your Honor stated: "I'd be happy to direct the parties to do whatever agreement that you can come up with." 07/17/2024 Hearing Trans. at 34:4-5. Plaintiffs and DOJ counsel met in person immediately after the hearing to give effect to the Court's admonition, and successfully forged just such an agreement. Plaintiffs and the DOJ/FBI proceeded with a high degree of urgency to communicate their agreement and adjournment request to the Court. Saudi Arabia had already made clear its opposition to moving the argument date for any reason.

Moreover, Saudi Arabia's letter completely ignores the overriding Constitutional imperatives set forth by DOJ counsel at the conference, specifically that "the Court needs to evaluate" the Privacy Act redactions in the FBI documents "on an individualized basis." ECF 10126 at 2. Plaintiffs and the DOJ have reached a compromise as to how that essential assessment can be completed. The question now is whether the review should be done by the Court itself or by the parties. Having it done collaboratively by the parties is far simpler, serves judicial efficiency, and will move the proceedings forward in the most expeditious manner.

Finally, Saudi Arabia's attempt to resuscitate its finger-pointing approach of its June 12, 2024 letter, ECF No. 9895, is an unhelpful distraction, a distortion of the facts, and is just as irrelevant to the Court's considerations now as it was then. *See* ECF No. 9901 at 4. Plaintiffs' positions as to confidentiality designations and redactions have been clear and consistent, at no point incurring any

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delay. The joint Plaintiffs-DOJ/FBI proposal is focused solely on how to achieve compliance with *Lugosch* in the most prompt and efficient manner possible.

Saudi Arabia's complaints about delay ring as contrived as they do hollow here. The September 11th, 2001 families ask for answers, transparency and their day in Court after over two decades. Saudi Arabia asks this Court for continued secrecy.

Respectfully submitted,

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cc: All Counsel of Record via ECF